



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

**FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852**

VIA ELECTRONIC MAIL

Mr. C H Lehr
Department of Public Works
Mechanicsburg Borough
36 West Allen Street
Mechanicsburg, PA 17055
chlehr@mechanicsburgborough.org

Re: Warning Letter: Notice of Potential Noncompliance

Dear Mr. C H Lehr:

The United States Environmental Protection Agency, Region III (“EPA”) is sending this Notice of Potential Noncompliance to Mechanicsburg Borough in response to potential violations identified by EPA during the April 20, 2022, inspection the EPA conducted of Mechanicsburg Borough (“Borough”). The purpose of the inspection was to observe the Borough’s compliance with the Pennsylvania General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) which was effective on March 16, 2018 and the Borough applied for coverage with a Notice of Intent submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

Section 301 of the CWA, 33 U.S.C. § 1311 prohibits the discharge of any pollutant from a point source to a water of the United States except, among other things, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Section 402(a) of the Act, 33 U.S.C. § 1342(a), which provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Section 402(p) addresses discharges of stormwater from certain facilities, including discharges associated with industrial activity. The discharges are subject to specific terms and conditions as prescribed in the permit.

During the inspection, EPA identified the following potential violations of the Permit and the CWA:

1. Potential Violation 1 – Failure to Conduct Good Housekeeping - During the inspection of the Highway Garage, the EPA Inspection Team observed piles of cold patch asphalt, salt,

compost material and aggregate outside of their storage areas where they could potentially be entrained in stormwater runoff. This is a potential violation of:

- a. **MCM 6 Best Management Practice (BMP) 2 of the General Permit** states “The written O&M program shall stress pollution prevention and good housekeeping measures, contain site-specific information, and include the following: ... Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt / sand (anti-skid) storage locations and snow disposal areas...”
 - b. Section 3.5 of the Borough’s Pollution Prevention and Good Housekeeping Program for Municipal Operations MCM #6 states that “Dry spills are to be swept and cleaned up immediately, based on the safety to do so, to prevent transmittal to stormwater or dispersion by wind.”
2. Potential Violation 2 – Failure to Maintain Post Construction BMPs - The EPA Inspection Team observed the BMP at Keystone appeared to have bare soils and a potential sink hole around one of the outflow structures. This is a potential violation of:
- a. **MCM #5, BMP #3 of the General Permit** requires municipalities to “Ensure adequate O&M of all post-construction stormwater management BMPs that have been installed at development or redevelopment projects that disturb greater than or equal to one acre...”

For the Potential Violations identified above, please provide documentation that you have addressed the areas of potential non-compliance **within 30 days of receipt of this letter**. Please email all information to:

Peter Gold (3ED32)
NPDES Section, Water Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
4 Penn Center
Philadelphia, PA 19103-2029
Gold.peter@epa.gov

This Warning Letter/Notice of Potential Noncompliance is not an agency final action, and EPA retains all rights to pursue future enforcement actions if you fail to address these potential violations in a timely and appropriate manner. If you have information that shows that you were in compliance with the potential violations identified above at the time of the inspection or you have addressed the areas of potential violations, within 30 days of receipt of this letter, please provide that information to the contact above. If you have any questions or concerns, please contact Peter Gold, at (215) 814-5236 or Gold.peter@epa.gov.

Sincerely,

Jessica Duffy, Acting Section Chief
NPDES Section
Enforcement and Compliance Assurance Division

Cc: Angela Weisel, EPA (weisel.angela@epa.gov)